

Ruth Nettles

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From: Woods, Vickie [vf1979@att.com]
Sent: Tuesday, September 08, 2009 4:22 PM
To: Filings@psc.state.fl.us
Subject: Undocketed: ETC AT&T Florida's Post-Workshop Comments on Proposed Rule 25-4.066x, Florida Administrative Code
Attachments: Document.pdf

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B. Undocketed:

Eligible Telecommunications Carrier Designation

C. BellSouth Telecommunications, Inc.
on behalf of Tracy W. Hatch

D. 6 pages (includes letter and pleading)

E. AT&T Florida's Post-Workshop Comments on Proposed Rule 25-4.066x, Florida Administrative Code

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September 8, 2009

Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Undocketed:
In Re: Eligible Telecommunications Carrier Designation

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Post-Workshop Comments on Proposed Rule 25-4.066x, Florida Administrative Code, which we ask that you file in the captioned matter.

Sincerely,



Tracy W. Hatch

Enclosures

cc: Jerry D. Hendrix
Gregory R. Follensbee
E. Earl Edenfield, Jr.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Eligible Telecommunications
Carrier Designation

) Undocketed

) Filed: September 8, 2009

**AT&T FLORIDA'S POST-WORKSHOP COMMENTS ON
PROPOSED RULE 25-4.066x, FLORIDA ADMINISTRATIVE CODE**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") submits the following post-workshop comments in the above undocketed matter. As will be explained further below, the Florida Public Service Commission ("Commission") should only enact a rule that provides for the most efficient, economical, clear and concise processes and procedures for Eligible Telecommunications Carriers ("ETCs") to meet the Lifeline goals in the State of Florida. In support thereof, AT&T Florida submits the following comments:

BACKGROUND

On July 28, 2009, the FPSC staff issued draft rule language concerning the eligibility requirements for a common carrier desiring designation as an ETC in Florida. Subsequently, a workshop was held on August 11, 2009, and the staff requested post-workshop comments be filed by September 8, 2009.

AT&T FLORIDA'S COMMENTS

AT&T Florida supports the Commission Staff's efforts to implement Lifeline rules for all certified ETCs. However, portions of the draft proposed rules appear to be duplicative of the current FCC rules. AT&T Florida would suggest that the FCC rules be incorporated to the FPSC rules by reference. Dual requirements at the state and federal level do not enable an ETC to operate in the most effective and cost efficient manner. In places

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where the Commission proposes to supplement the FCC rules, the proposed rules should clearly identify the addition. Table 1 below identifies the sections of the FCC rules that either mirror, or very closely mirror, the FPSC draft proposed rules. Any specific comments that AT&T Florida has on the draft proposed rules are as follows.

Rule 25-4.066x(5):

The proposed rule states that in addition to an ETC notifying its customers in writing of the availability of Lifeline/Link-Up for wireline customers or activation fee assistance for wireless customers, the ETC must notify its customers in writing of any other assistance program being offered by the Company, within 30 days after receiving telecommunications services. While AT&T Florida understands the intent of the language is to capture any assistance a carrier may offer in lieu of Link Up to enable the customer to enroll in the Lifeline program, the language goes beyond the intent. The language as written would require an ETC to notify its new customers in writing of the availability of any assistance program offered by the Company. This could suggest the company be required to notify the customer of installment billing even though the option has been communicated to the end user verbally, to requiring written notice to the customer of the myriad of company promotional offerings. As written, this language could potentially become burdensome on the company. AT&T would propose language that clearly states the intent that is to notify the customer of any assistance program available by the company that enables the customer to enroll in Lifeline/Link-up.

Section 5 (b) of the proposed rule states that ETCs must develop outreach materials and methods designed to reach households that do not currently have telephone service, and must be placed in locations where low income individuals are likely to visit.

The proposed language provides examples of the placement of the outreach materials, and then proceeds to list multi-media outreach approaches and claims these “are also acceptable.” As written it implies that in addition to the listed outreach examples, an ETC shall also provide the outreach materials in one of the multi-media outlets. AT&T proposes the following:

“... such as shelters, soup kitchens, public assistance agencies, on public transportation, or multi media outreach such as newspaper advertisements, articles in consumer newsletters, press releases, radio commercials, and radio and television public service announcements.”

Rule 25-4.066x(6):

The proposed rule requires ETCs to file annual certification for each non-ETC reseller that it is complying with all of the Commission and Federal Communications Commission Lifeline/Link-Up requirements. AT&T does not disagree that it is required to obtain such certification from a non-ETC, however AT&T does not believe that an ETC should be required to file the certification on an annual basis. AT&T recommends that the proposed rule state that an ETC shall maintain a copy of the non-ETC certification, and provide such certification if requested by the Commission.

Section 8(b) of the proposed rule requires an ETC to notify customers and the Commission 60 days prior to discontinuance of any service. AT&T believes that notice of discontinuance of “any service” is too broad. AT&T recommends that the proposed rule be clarified to state that if an ETC seeks to discontinue any “Lifeline/Link-Up supported” service notice is required to the affected customers.

Table 1 - Rule 25-4.066x – Eligible telecommunications carriers

FPSC draft proposed rule	FCC Rules
25-4.066x (1)(e)	54.101 c
25-4.066x (1)(h)	54.201(i)
25-4.066x (1)(m)1	54.202 (a)(1)(i)(A)
25-4.066x (1)(m) 2. (i-vi)	54.302(a)(1)(i)(B) and (B)(1-6) with the addition of 30 days as a “reasonable period of time.”
25-4.066x (1)(n-r)	54.202(a)(2-5c)
25-4.066x (2)(a-i)	54.101 (1-9)
25-4.066x (3)(a)	54.209 (b)
25-4.066x (3)(a)1-2	54.209(a)(1-2)
25-4.066x (3)(a)2(i-vi)	54.209 (a)(2) (iii) (A-F)
25-4.066x (3)(a)3-8	54.209(a)(3-8)
25-4.066x (4)	54.410(c)
25-4.066x (8)	54.205 (a) with the addition of a 12 month advance notice to the commission, in writing, of an ETC’s intention to relinquish its ETC designation.

Respectfully submitted, this 8th day of September, 2009.

BellSouth Telecommunications, Inc. d/b/a AT&T Florida



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